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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR06-425-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 FERNANDO CIENFUEGOS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on February 11, 2009. The United States was represented by AUSA Douglas B. Whalley and
16 the defendant by Kevin Peck. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 25, 2008 by the Honorable Marsha J.
18 Pechman on a charge of Conspiracy to Distribute Heroin, and sentenced to 357 days custody
19 (credit for time served), plus 3 years supervised release. (Dkt. 760.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant participate in drug testing and treatment, abstain from alcohol, submit to search,
22 and provide his probation officer with access to requested financial information.

01 On March 17, 2008, defendant's probation officer reported that defendant had violated the
02 conditions of supervised release by using oxycodone, alcohol, heroin and methamphetamine.
03 Defendant was reprimanded, referred for intensive outpatient treatment and professional
04 assessment, and the structured testing program was continued. No further action was taken at the
05 time. (Dkt. 825.)

06 On August 27, 2008, defendant admitted violating the conditions of supervised release by
07 using oxycodone, alcohol, heroin, methamphetamine, OxyContin, Vicodin, and morphine on a
08 number of occasions. (Dkt. 892.) Defendant was sentenced to time served in custody and released
09 on October 8, 2008, plus 24 months supervised release. (Dkt. 905.)

10 In an application dated January 6, 2009 (Dkt. 930), U.S. Probation Officer Steven R.
11 Gregoryk alleged the following violations of the conditions of supervised release:

12 1. Committing the crime of Theft 3 on January 3, 2009, in violation of the general
13 condition of supervision which states that the defendant shall not commit another federal, state or
14 local crime.

15 2. Using heroin on January 3, 2009, in violation of standard condition No. 7.

16 On January 28, 2009, two additional violations were alleged, (Dkt. 934) which were
17 incorporated into the pending revocation proceedings:

18 3. Possession of heroin, on or about January 28, 2009, in violation of standard
19 condition No. 7.

20 4. Frequenting a place where controlled substances are illegally sold, used, distributed,
21 or administered, in violation of standard condition No. 8.

22 Defendant was advised in full as to those charges and as to his constitutional rights.

01 Defendant admitted the alleged violations and waived any evidentiary hearing as to
02 whether they occurred. (Dkt. 943.)

03 I therefore recommend the Court find defendant violated his supervised release as alleged,
04 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
05 set before Judge Pechman.

06 Pending a final determination by the Court, defendant has been detained.

07 DATED this 12th day of February, 2009.

08 
09 Mary Alice Theiler
10 United States Magistrate Judge

11 cc: District Judge: Honorable Marsha J. Pechman
12 AUSA: Douglas B. Whalley
13 Defendant's attorney: Kevin Peck
14 Probation officer: Steven R. Gregoryk
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